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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

Federal Communications Commission
Office of the Secretary

In re Applications of)	MM Docket No. <u>92-61</u>
LRB Broadcasting)	File No. BPH-901218MI
David Wolfe)	File No. BPH-901219MI
Zenitram Communications, Inc.)	File No. BPH-901220MG
For Construction Permit)	
For a New FM Station on)	
Channel 288A, Brockport, New York)	

To: The Review Board

MOTION FOR EXTENSION OF TIME TO FILE APPEAL

Zenitram Communications, Inc. ("Zenitram"), by its attorneys, hereby requests an extension of time to file an appeal as of right from the dismissal of its application from the above-referenced proceeding. Section 1.301(c) of the Commission's rules affords parties only five (5) days in which to appeal interlocutory rulings dismissing an application but not terminating a proceeding. This time period is itself so precipitously short a time to address a matter of vital importance to an application's life as to constitute a violation of the due process rights accorded by the 5th Amendment. In the circumstances surrounding this appeal, the abbreviated time period works an especially deep prejudice on Zenitram.

Without addressing the merits at this point, it may be

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briefly noted that the ALJ's decision from which appeal is sought, Memorandum Opinion and Order, FCC 92M-668, released June 12, 1992, dismissed Zenitram's application for failure to timely file a notice of appearance. The circumstances attending that failure to file are bizarre in themselves (an unexplained two week holding of the document by Zenitram's counsel's express courier). In addition, however, the ALJ seems to have questioned whether the hearing designation fee was ever filed. (See page 3 of MO&O). But the Zenitram application would not have been designated for hearing if the fee had not been paid, and, if that was a fact taken into account by the ALJ, it was clearly based on a false premise. Finally, Zenitram's counsel had not made its controlling shareholder aware of many of the circumstances surround the possible dismissal of its application. It was not until last Thursday that Zenitram's controlling shareholder, Mr. Martinez, learned (via an order from the FCC) that his application had been dismissed. Zenitram immediately undertook to seek out and retain new counsel and this Motion is being filed as soon as possible.

While undersigned counsel is reluctant to elaborate on the situation until more facts are gathered, the possibility of serious attorney malfeasance is one which, in extraordinary circumstances, the Commission does accept as extenuating to the applicant. (E.g., applicant reinstated where attorney commits suicide prior to filing deadline). There is reason to believe that this case may have elements which are comparably bizarre.


Unless Zenitram is granted an extension of time, nunc pro tunc, to file its appeal, a fair hearing regarding Zenitram's plight will never be considered on the merits by the Commission. A ten day extension of time from the Review Board's action date is therefore respectfully requested.

Respectfully submitted,

ZENITRAM COMMUNICATIONS, INC.

By:


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June 22, 1992

CERTIFICATE OF SERVICE


I, Sherry L. Schunemann, a secretary in the law firm of McFadden, Evans & Sill, do hereby certify that a copy of the foregoing "Motion for Extension of Time to File Appeal" was mailed by First Class U.S. Mail, postage prepaid, this 22nd day of June, 1992 to the following:

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